

REMARKS

Claims 1-21 are pending in the present application and claims 1-21 stand rejected. By virtue of this response claims 1, 13, 14, 18, and 19 have been amended, and no claims have been cancelled or added. Accordingly, claims 1-21 are currently under consideration. Amendment and cancellation of certain claims or claim features is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. The amendments are fully supported by the specification as originally filed and no new matter has been added.

For the Examiner's convenience, Applicants' remarks are presented in the same order in which they were raised in the Office Action.

Claims Rejections under 35 USC §102

A. Claims 1-6, 8-12, 18, 19, and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama et al. (U.S. Patent Number 5,406,547).

With regard to claim 1, Applicants respectfully submit that Akiyama fails to disclose or suggest a shutter assembly movable from a closed position to an open position, the shutter assembly comprising "a shutter cam coupled to the cover, said shutter cam including a lock assembly and a cam portion, wherein the lock assembly and the cam portion move with the shutter assembly," as recited by amended claim 1. (Emphasis added). The amendment clarifies that the lock assembly and the cam portion move with the shutter assembly as the shutter opens and closes (and is not fixed, e.g., to the housing portion).

The Examiner indicates that Akiyama discloses a shutter cam including "a lock assembly (See figure 22) and a cam portion (figure 22, item 160)." Applicants submit that item 160 appears to be merely a spring or "elastic member" and is neither a "cam" nor is item 160 included with slider 14 (which the Examiner has identified as the shutter cam). Thus, item 160 is not a part of the shutter assembly, and does not move with the shutter assembly as the shutter assembly moves from a closed position to an open position. Accordingly, Akiyama fails to disclose or suggest the features of claim 1 and the rejection should be withdrawn.

Additionally, claims 2-11 depend from claim 1 and are allowable over Akiyama for at least similar reasons as claim 1.

With regard to claim 12, Applicants respectfully traverse the rejection and submit that Akiyama fails to disclose either explicitly or inherently (as required to maintain an anticipation rejection) that the disk of Akiyama discloses a holographic storage medium. At best, Akiyama discloses an “optical disk,” which falls short of disclosing a holographic storage medium. For example, the disclosure of an “optical disk” does not explicitly or inherently disclose a holographic storage medium as presently recited. The Examiner is reminded that to maintain a rejection based on an inherent disclosure the Examiner must provide evidence or a line of reasoning that the inherent feature is necessarily present. (MPEP § 2112; *In re Robertson*, 169 F.3d 743 (Fed. Cir. 1999)). Accordingly, claim 12 is allowable over Akiyama for at least these reasons and the rejection should be withdrawn.

With regard to claim 18, claim 18 has been amended to recite unlocking a lock actuator included with the shutter, “wherein a direction of movement of the lock actuator from a locked position to an unlocked position is the same as a direction of movement of the shutter assembly from the closed position to the open position.” Akiyama fails to disclose or suggest a shutter having a lock or lock actuator, and at the very least fails to disclose or suggest a lock actuator having a direction of movement from a locked position to an unlocked position that is the same as the direction of movement of the shutter assembly from the closed position to the open position. For example, stopper 59 of Akiyama is not included with the shutter assembly and moves perpendicularly to the direction of slider 14. (See, e.g., Fig. 2). Accordingly, for at least these reasons, the rejection should be withdrawn and claim 18 allowed.

Claims 19-21 depend from claim 18 and are allowable over Akiyama for at least similar reasons as claim 18.

B. Claims 1, 6, and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama et al. (U.S. Patent Number 5,406,547).

Applicants respectfully submit that Akiyama fails to disclose or suggest a shutter assembly movable from a closed position to an open positions, the shutter assembly comprising “a

shutter cam coupled to the cover, said shutter cam including a lock assembly and a cam portion, wherein the lock assembly and the cam portion move with the shutter assembly,” as recited by amended claim 1.

The Examiner indicates that Akiyama discloses a shutter cam including “a lock assembly (figure 22, item 19) and a cam portion (figure 22, item 20).” Initially, Applicants note that Figure 22 does not include an item 20, however, Akiyama does refer to guide grooves 20 in other figures. In any event, no portion of Figure 22, including guide groove 20 includes a cam portion as recited by claim 1; for example, guide groove 20 is not operable for rotational motion and therefore is not a cam portion. Further, recess 19 is not a “lock assembly” as presently recited; for example, recess 19 does not move or change from a locked position to an unlocked position (i.e., recess 19 is static with respect to the shutter and does not have a locked or unlocked position).

Accordingly, Akiyama fails to disclose or suggest the features of claims 1, 6, and 7 and the rejection should be withdrawn.

C. Claims 13-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kang et al (U.S. Publication Number 2002/0196730)

Claim 13 has been amended herein to recite a drive assembly comprising “a shutter opening assembly configured to engage and unlock a lock release portion of a shutter on the data storage cartridge and open the shutter.” Applicants submit that Kang fails to disclose or suggest such a feature. In particular, opening lever 150 of Kang does not engage or unlock a lock release portion of a shutter. Kang discloses a locking projection 24a that operates to interfere with projections 25a and 26a of inner shutters 25 and 26 such that as outer shutter 24 slides in one direction locking projection 24a engages and slides one of inner shutters 25 and 26 open. (See, e.g., Kang, paragraphs [0022]-[0027]). There is no concept of a lock release portion as recited by claim 13, however, because inner shutters 25 and 26 (or any other portion disclosed) are not unlocked by opening lever 150 or locking projection 24a; rather, depending on the direction of movement of lever 150, locking projection 24a selectively engages and opens one of inner shutters 25 and 26. There appears to be nothing disclosed by Kang, which locks shutter 24 in place, and which is unlocked by opening lever 150. Accordingly, Kang fails to disclose a shutter opening assembly

configured to engage and unlock a lock release portion of a shutter and the rejection should be withdrawn.

Additionally, claims 14-17 depend from claim 13 are allowable for at least similar reasons as claim 13.

Claim Rejections under 35 USC § 103

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama et al., in view of Kang et al.

Claim 20 depends ultimately from claim 18 and is allowable over Akiyama for at least similar reasons as claim 18. The addition of Kang fails to cure the deficiencies of Akiyama. Accordingly, the rejection should be withdrawn and claim 20 allowed.

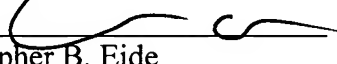
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 495812005200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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